

HOUSE BILL 4091

By Pinion

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 33; Title 55, Chapter 50, Part 5 and Title 55, Chapter 10, Part 4, relative to certain vehicle forfeitures.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-33-201, is amended by deleting the code citation “§ 55-50-504(h),”.

SECTION 2. Tennessee Code Annotated, Section 40-33-211(c), is amended by deleting the subsection in its entirety and renumbering the remaining subsections accordingly.

SECTION 3. Tennessee Code Annotated, Section 55-10-403, is amended by deleting from subdivision (c)(4) the citation “§ 40-33-211(c)(2)” and substituting instead the citation “§ 55-50-504(h)(1)(B)”.

SECTION 4. Tennessee Code Annotated, Section 55-50-504(h), is amended by deleting the subsection in its entirety and substituting instead the following:

(h) The vehicle used in the commission of a person’s violation of § 55-50-504, when the original suspension or revocation was made for a violation of § 55-10-401, or a statute in another state prohibiting driving under the influence of an intoxicant, is subject to seizure and forfeiture in accordance with the procedure established in Title 39, Chapter 11, Part 7.

(1) The revenue derived from the sale of the vehicles forfeited under the authority of this section and Title 39, Chapter 11, Part 7, shall be distributed as follows:

(A) The revenue shall be retained by the entity, either the state or local government, which was responsible for the seizure. The revenue shall be used during each fiscal year to compensate the entity for

reasonable and direct expenses involved in the confiscation, towing, storage, and sale of the forfeited vehicles. All expenses claimed by the entity shall be subject to audit and review by the comptroller of the treasury for the purpose of determining that expenses claimed by the entity are direct and reasonable;

(B) Any remaining revenue shall be transmitted to the department of health no later than June 30 of each fiscal year. This revenue shall be placed in a special fund to be known as the "alcohol and drug addiction treatment fund" and shall be available for use after July 1, 1998, to pay the cost of alcohol and drug addiction treatment for persons certified for the treatment by order of either general sessions or criminal court judges, pursuant to a plan and procedures developed by the department of health and submitted to the general assembly prior to July 1, 1998. Any moneys in the alcohol and drug addiction treatment fund administered by the state treasurer shall be transferred to the alcohol and drug addiction treatment fund administered by the department of health on April 8, 1998. The alcohol and drug addiction treatment fund shall be administered pursuant to rules promulgated by the department of health, which shall establish criteria for application of the funds;

(C) The rules promulgated by the department of health shall include application of a portion of the funds up to a total of two hundred thousand dollars (\$200,000), and any grants, gifts, contributions, or other appropriations made to supplement the funds for services related to compulsive gambling disorder, to provide prevention, early intervention,

assessment or referral, and evaluation services related to compulsive gambling disorder which shall include all of the following:

(i) Establishing an information and referral hotline to provide public education regarding compulsive gambling and to make treatment referrals;

(ii) Coordinating activities, services and gathering data on the prevalence of problems regarding compulsive gambling;

(iii) Training personnel in the prevention of gambling disorders and in the screening and assessment of these disorders;

(iv) Making assessment services available through local treatment providers; and

(v) Providing development and maintenance of treatment services only to the extent that funds exist to do so and still accomplish the goals intended by creation of the alcohol and drug treatment addiction fund;

(2) The provisions of subdivision (h)(1)(C) of this subsection shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this subdivision unless the proposed improvement for the alcohol and drug treatment fund is included in the general appropriation act; and

(3) If the general sessions or criminal court judge makes a specific finding that the person is indigent and that it is in the best interest of the person and the public, then moneys in the alcohol and drug addiction treatment fund may be used to pay the reasonable cost of leasing, buying, installing, monitoring and maintaining an ignition interlock device that is ordered pursuant to § 55-10-

412; provided, however, that the device shall not be utilized in lieu of treatment of the person.

SECTION 5. This act shall become effective July 1, 2008, the public welfare requiring it.